

did not log in to his eFileTexas account, correct his contact information, or notify the Court or opposing counsel of any issue. Instead, he took no action and now seeks to convert that inaction into a basis to undo an adverse ruling.

Texas courts have long held that Rule 306a does not protect a party who fails to exercise diligence after receiving information that would lead a reasonable person to inquire further. *See Mem'l Hosp. v. Gillis*, 741 S.W.2d 364, 365–66 (Tex. 1987). When the record is viewed as a whole, Plaintiff's motion reflects a failure to maintain his own contact information rather than any defect in the proceedings. For that reason, and for the additional reasons set forth below, the Motion should be denied.

II. BACKGROUND

Plaintiff actively participated in this case leading up to the Court's ruling. On March 3, 2026, he filed a 78-page response to Defendants' Plea to the Jurisdiction along with an amended pleading. The same day, the eFileTexas system generated notifications stating that electronic service to Plaintiff was undeliverable and identified his email address in truncated form. The notification further instructed that the document should be served by a different method.

Thus, as of March 3, 2026, Plaintiff knew that there was a problem with service to his email address and that filings in the case might not be reaching him. Despite that knowledge, he did not take any steps to correct his email address, update his service contacts, or otherwise ensure that he would continue receiving filings. The case then proceeded in the ordinary course, and on March 26, 2026, the Court signed the Order granting Defendants' Plea to the Jurisdiction.

This sequence of events is critical. It establishes that any breakdown in communication was not hidden from Plaintiff but instead was expressly brought to his attention at the time it occurred. The dispositive question is whether a party who is alerted to a defect and declines to

address it may later rely on that same defect to obtain relief. Texas law answers that question in the negative.

III. ARGUMENT AND AUTHORITIES

A. Plaintiff is Not Entitled to Relief Under Rule 306a

Rule 306a extends deadlines only when a party neither receives notice nor acquires actual knowledge of a judgment within the prescribed time. The rule does not apply when the party has information that would lead a reasonably prudent person to inquire further into the status of the case. The Texas Supreme Court's decision in *Mem'l Hosp. v. Gillis* is instructive. There, the Court held that a party who has knowledge of facts that would prompt a reasonable inquiry cannot rely on Rule 306a to extend deadlines. 741 S.W.2d at 365–66. In other words, once a litigant is on notice that something may be amiss, diligence is required.

That principle applies squarely here, and it controls the outcome. Plaintiff received notice that service to his email address was failing and was informed of the precise defect. A reasonable litigant, upon receiving that information, would have taken immediate steps to verify and correct his contact information or to monitor the docket directly. Plaintiff did neither.

Texas courts have consistently rejected Rule 306a relief in similar circumstances where the movant had information that should have prompted further inquiry. *See, e.g., In re Lynd Co.*, 195 S.W.3d 682, 685 (Tex. 2006) (orig. proceeding) (explaining that Rule 306a relief depends on compliance with the rule's notice and timing requirements and does not extend deadlines absent the required showing); *John v. Marshall Health Servs., Inc.*, 58 S.W.3d 738, 741–42 (Tex. 2001) (per curiam) (explaining that Rule 306a extends deadlines only upon proof of late notice or actual knowledge as required by the rule).

Under these authorities, Plaintiff's knowledge of the service defect defeats his reliance on Rule 306a. The rule does not extend deadlines or reopen judgments for parties who ignore information that would have allowed them to protect their rights.

B. Plaintiff's Lack of Diligence Independently Defeats His Motion

Even if Rule 306a were implicated, Plaintiff's motion fails for lack of diligence. A party seeking to set aside a judgment must demonstrate that he acted reasonably under the circumstances. When the movant's own inaction contributes to the alleged lack of notice, relief is not warranted. The Texas Supreme Court has emphasized that litigants have a duty to monitor their cases and to take reasonable steps to protect their interests. *See In re Lynd Co.*, 195 S.W.3d at 685. That duty applies with particular force when the party has been alerted to a specific problem affecting notice.

Here, Plaintiff controlled his own eFileTexas account and received explicit notice that service to his email address was failing. Rather than correct the problem, he took no action. This lack of diligence precludes relief. Courts do not set aside judgments where the movant's own failure to act is the cause of the alleged lack of notice. In this respect, Plaintiff's motion seeks to shift responsibility for his own inaction to Defendants and the Court. Texas law does not permit that shift. The obligation to maintain accurate contact information and to respond to known issues rests with the litigant, not opposing counsel or the Court.

C. Defendants Complied with Rule 21a and Had No Additional Duty

Plaintiff's argument that Defendants should have taken additional steps to ensure service is inconsistent with Rule 21a. Defendants served their filings through the eFileTexas system, an authorized method of service under the Texas Rules of Civil Procedure.

Rule 21a does not impose a duty on a party to verify the accuracy of another party's service contact information or to ensure actual receipt beyond the electronic filing system. Nor does it require counsel to troubleshoot a pro se litigant's account or correct errors in that litigant's profile. The law instead places responsibility on each party to maintain accurate service information. Plaintiff's attempt to impose additional obligations on Defendants finds no support in the rules or in Texas case law. The service procedures employed in this case were proper, and no further action was required.

D. Plaintiff Was Not Denied Due Process

Plaintiff's due process argument similarly fails when examined against the record. Due process requires notice and an opportunity to be heard, not perfection in the mechanics of service. The United States Supreme Court has held that due process is satisfied where a party is afforded a meaningful opportunity to present his case. *See Peralta v. Heights Med. Ctr., Inc.*, 485 U.S. 80, 84–86 (1988). Here, Plaintiff had that opportunity. He filed a comprehensive 78-page response addressing Defendants' Plea to the Jurisdiction.

Plaintiff's assertion that he did not receive Defendants' Reply or the Notice of Submission does not establish a constitutional violation. There is no right to file a sur-reply absent leave of court, and a movant may request submission without oral hearing. Plaintiff does not identify any argument he was prevented from making or any evidence he was unable to present. In short, Plaintiff received the process that was due. His disagreement with the outcome does not transform routine procedural events into a constitutional deprivation.

E. Plaintiff Has Not Demonstrated Harm or Grounds for a New Trial

A motion for new trial requires a showing that the alleged error probably caused the rendition of an improper judgment. Plaintiff has not made that showing. He does not identify newly

discovered evidence, nor does he point to any argument that would alter the Court's jurisdictional analysis. Instead, he seeks a second opportunity to litigate issues that have already been fully briefed. Texas courts do not grant new trial motions based on mere dissatisfaction with the outcome, absent a showing that the complained-of error probably caused an improper judgment. *See Strackbein v. Prewitt*, 671 S.W.2d 37, 38 (Tex. 1984) (recognizing that a motion for new trial is addressed to the trial court's discretion and requires a sufficient showing under governing standards). Plaintiff's motion falls squarely within that category. Without a showing of harm, there is no basis to set aside the Court's Order.

IV. CONCLUSION

Plaintiff's motion rests on a premise the record does not support. He was expressly alerted to a defect in his service information, understood that it affected his ability to receive filings, and chose not to correct it. That sequence matters. Texas law requires diligence when a party is placed on notice of a problem, and Plaintiff's failure to act defeats his request for relief.

In sum, Plaintiff seeks to convert a problem he recognized into a basis for undoing an adverse ruling. The eFileTexas system did not silently fail; it identified the error and warned that service was not reaching him. Having ignored that notice, Plaintiff cannot recast his own inaction as a lack of notice or a denial of due process. The rules do not permit a litigant to manufacture reversible error from circumstances he could have readily corrected.

When the governing standards are applied to these facts, the result is straightforward. Plaintiff has not satisfied Rule 306a, has not demonstrated diligence, and has not shown harm. Accordingly, Plaintiff's motion should be denied in its entirety.

V. PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that the Court deny Plaintiff's Sworn Motion Under Rule 306a(5) and Motion for New Trial and grant all further relief to which Defendants are justly entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This will certify that a true and correct copy of the foregoing instrument was served in accordance with Rule 21a of the Texas Rules of Civil Procedure upon the counsel of record below on this 14th day of April 2026.

Kevin N. Bass

Via E-File and E-Mail

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Filing Description: 20260414_Defendants Response in Opposition to Ps Motion for New Trial

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